# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON; and MARION TOWLES;

Towles,

VS.

WAL-MART STORES EAST, L.P.,

Defendant.

APPENDIX TO DEFENDANT'S

MOTION FOR SUMMARY

JUDGMENT REGARDING MAX

DUTTON'S CLAIMS

F-5

# **Declaration of Tracey Battle Exhibit 5**

Interview Statements collected by T. Battle and typed by D. Riddick (6/12/2009)

Teresa Shanefelter-

Tracey explained to Teresa the reason that we were here, to conduct an investigation. She then asked if she was comfortable talking to us. Yes. How long have you been with the company? Sixteen years. My questions are going to be directed about you and also Max. Do you have Max's sign on and pass code? Yes. Do you have keys to the store? Well I have a key to the offices, but not one to the front door or anything. I just have keys to the back door, gun room, not sure if it opens cash office. Yes I do have a key to the electronics security room. Do you sit in on conference calls? Not all of them but some of them. I sit in and take the notes for the calls. So you sit in on Eric's calls. Yes some of them. Assistant mangers evaluations did you type all of there evaluations? Make wrote them and put all of the numbers in. I just typed them into the computer. Max does not like to use the computer and type so I do most of that work for him. Do you do any of his Dare County commissioner work? No. You said that you have Max's password, what do you use that for? Basically to check his email. Do you respond to his email? Not unless he is here. Do you and Max have lunch together? If I am in Subway he might come up and sit up there. We don't always go together. Sometimes we do leave the store and have lunch. How many times do you think you have left the store together and had lunch together. Maybe once or twice in the past sixteen years. About how many hours do you work a week? I work my forty and then sometimes I work over. I work about fifty to fifty five hours a week. What do you normally do when you are working overtime? Sometimes I go up front and run a register, sometimes DSD, I might work freight. Do you work that all year? No. Has he told you to cut your hours recently? Back sometime last month or so he did tell me to cut my hours back because he was concerned with payroll. I want to ask you about a picture. There was a picture that was allegedly in the store that Max had of Tonja. He has a picture of all of the assistant mangers. Tracey showed Teresa a picture and asked did she remember the picture. Yes I remember that picture. Can you tell us about the picture? That person has some issues. She has some mental problems and health issues. She only ate Doritos and cheese. Max was trying to get her to eat better. She was a vegetarian but she did not eat any vegetables. She just stayed sick all of the time. When the picture first came out, who was it shown to? I don't think anyone saw the picture other than members of management. Are you in most of Max's meeting. Yes. Does Max threaten them about losing their (dept mgr) jobs? He just expects them to do there job. He does tell them that expectations are higher and he expects the assistants to hold them accountable if they do not get there jobs done. He does not say if you don't get a job completed you will lose your job. He just expects them to get there job done. He does expect the assistants to use the coaching process if someone can not perform there jobs and meet expectations. Do you think that Max has changed in the last year? No. Does Max yell and scream at them? He has high expectations. He wants them to rise to a higher level. I have not seen him yell at anyone. I think what people think yelling from Max is when he uses a firmer voice. He wants bring the level up. He knows that we have to meet all of these score cards and he want to be successful. He does use a firm voice with them. Does he say inappropriate things to them on the walkie? I don't think so. He responds to them with things like, have you seen the milk cooler are we not selling milk today or air. They are all assistant mangers and they need to act as assistants. They should not need anyone to walk around and hold there hands. How was Max and Tonja relationship when she

worked here? It was fine. Tonja was very emotional for no reason a lot of days for no reason. Do you feel that you are powerful in this store? No, I'm an hourly associate in the store that does what Max asks me to do. Do you think the associates think you are powerful? Well they know that I am knowledgeable. Do you have the power to influence? Yes I do feel that I have that because I can use the open door and express my concerns. What can you tell me about CSM Terry? She is a good associate. Does she talk to people with respect? Not all the time. I think she needs to tone it down a little bit. Has Terry been talked to about the way she treats people? I do not know. How are you all raising money for CMN? We have the register thing. We have a \$500.00 shopping spree. Is that a raffle? No it is by donation only. If you don't want to donate then you don't have to. How does it work? Well you can get one ticket for \$2.00 or three for \$5.00. Isn't that the same thing as a raffle? Well yes I guess so. We are also doing the dress code. You pay \$5.00 not to dress out of dress code. How many days has this been going on? We did it last Friday. We did it yesterday, today and tomorrow. Do you know if we have asked any vendors for any money? Not that I am aware of. After Teresa left the office she went to assistant manager Tracie and told her that she was going on one side of the store and she needs to go on the other side of the store and talk to the department managers and tell them that they need to defend Max because he did not threaten there jobs. Teresa was called back into the office and made aware that the information that we had discussed with her was confidential and she did not need to discuss the information with anyone. Tracey then asked Teresa if she would be willing to complete a statement about our conversation. Teresa agreed to complete a statement.

#### Debbie Beaver-

Tracey explained to Assistant manger Debbie the reason we were here. Tracey asked Debbie if she was comfortable talking to us. Yes. Tracey explained that the information that we were going to discuss would be confidential and should not discuss with anyone. How do you feel talking to us? I am comfortable, because I am about done. I have already started writing my resignation. If you all were not here he would be screaming at us because of the back room. He comes in and calls Teresa S to get a team together to clean up the mess through out the store. Max never says anything positive. One day Clay and I did not have any pallets left in receiving. I told Max and his response to me was you know what you get for that. You get to keep your job for another day. After the unbeatable excellence Max told me that Eric walked into the back room and said I thought you said she knew how to run the program. She doesn't know Shit. He said that I did not know how to do my job. I had two trucks that night before with seven stockers. I got what I could get done. He does not say anything to Clay when he comes in and the back room is messed up. He then told me that if we are not back on the back room program by next week then he was going to make some changes. He told us that right after Eric came that there is a Co Manager and an assistant manager with a red dot on there forehead. I asked him what that mean. He said the red dot was a target and they were about to go. He told me that the market team went into a store and the overnight

assistant manager had one pallet left on the floor and they got fired. He tells us that if Eric comes into the store and there is one scratch on a shelf the Eric would fire them. He told all of the department managers this. How does the department manager feel about Eric? They think they are getting fired today. Have you ever seen this picture? No I heard about it. Who did you hear about if from? Tonja, that was before my time. That happened before I came back to the store. Max tries to push me to help me grow. He told me that he only push people that he thinks are trying to go places. I knew how Max was when I left. He is 100% different from when I left and came back. Do you think that this job and the County commissioner job are too much for Max? Yes, he is stressed out. He doesn't get enough rest. He tells us about calls that he gets at two in the morning. Do you know that Teresa sits in on conference calls? Yes. Do you know if Max and Teresa go to lunch together? Yes they use to do it all of the time. I don't know about now because I am on third. Teresa gets treated better than the assistants. If there is something going on Max will call Teresa and have her get with the assistants. Do you know anything about the money that is being raised by CMN? I know that we have to raise a certain amount by the 14th. I know that Frito Lay donated \$500.00. I was told to call Flowers and ask them for a donation. Who asked you to call Flowers? Max did. Here is how the conversation went. He asked me if we could get Flowers to donate for the cookout today. I said no I don't think they can do that. He said well what if we ask them to donate to CMN hospital and not Wal-Mart Stores, Inc. The letter was given to the store with intent for them to donate money. I think there was another check that has come in from a vendor already. I have never meet Eric and I was terrified about losing my job. Were you giving any instructions about the AOS survey? I was not, but I know he was standing there when a lot of the department managers completed there survey. All of the management team is stressed. We are all ready to walk away.

## Jacqueline Amenino-

Tracey explained to Jacqueline the reason we were in the store. She asked Jacqueline if she was comfortable speaking to us. Yes. Tracey explained to here that the conversation was confidential and asked her not to speak to anyone about what we discussed. I am tired of coming to work being pushed down and being depressed. We were warned there should be no freight in the back when we leave at four. There is no one her to do IMS. We don't have enough people in the store to complete our jobs. What has he told you about Eric? He told us that he has got rid of people because there area was not organized, or it was dusty, or if there shelf had a ding. He tells us all the time that our jobs are on the line. We just don't know anymore when he is telling us the truth or if he is lying. Max tells us that we don't know how to do our jobs and we just might as well go to the beach and spend the day. Why are the associates here so afraid to speak out? Because he has ties. Even with the police. No one wants to lose there jobs. When we (dept mgr) leave the meeting in the morning we are all ready to cry. Sometimes I just go to my bins and just cry. You can't go on the floor after being in a meeting with shame on you. He does not feel like he is doing anything wrong because he follows up with that's not a negative. He thinks that makes it right. He would say things over the radio about you without calling your name but everyone knows who he is talking about to belittle them. Meetings are shame on you or your job is on the line. Tell me about the assistant

managers that threaten you. Neil was the overnight assistant manager. I don't remember what was said but that next morning I got a telephone call at home from Neil saying that I can't believe that you said that. I will have you fired so fast. I called Max and told him about it. Max asked me what he wanted me to do. How do you feel about the open door here? I don't feel as if anything is ever resolved. You can talk to get it off your chest but it does not resolve anything.

## Mark Sawyer-

Tracey informed Mark why were in store. Tracey asked him if he was comfortable speaking to us today. Yes. Tracey explained to him that what we were going to discuss would be confidential and he should not speak to anyone about the matter. How do you feel about Max? I don't have any problems. Are you passing this flyer out at the DSD door? Yes we are. We were told to give them to the vendors so they could take them to there supervisors. Who gave the instructions to pass out to vendors? I do not know. I am just a fill in when someone is not there. I want to say something. It's about overtime. There are certain people that get overtime every week. When everyone else is over by a few minutes we are told to cut our time. But they are allowed to get overtime and keep it each week. Do you ever attend morning meeting. He covers saless and things like that. Does it sound threatening? Well I have heard that the department managers are negative. Does Teresa every just come to receiving to work? No, if she is needed they may ask her. If something gets messed up she will come back there and fix it but other than that she does not.

#### Jean Davidson-

Tracey informed Jean why we were in the store. Tracey then asked her if she was comfortable speaking to us. Yes. Tracey explained to her that what we were going to discuss is confidential and she should not speak to anyone about this matter. Jean you look like you're very afraid right now. Why is that? Because we are told all the time that if we can not complete your jobs Eric would come in and find someone that can. But when you have people schedule in you department but they are never in your department. The people that are scheduled are pulled to other departments. I have it all in my communication book who comes in and where they are being pulled to. I do not like the way I am being treated as a woman, more is expected of me. They say it's my fault when the schedule is wrong. I don't even have access to the schedule. Women are held to a higher standard. Last week in the department manager meeting Jacqueline was told if she did not have her modular's completed by the end of the day that she would not have a job. Was it stated exactly like that? Well it was implied. Were there any males that had late modulars that were brought up at the meeting? No. When you are at the meeting does he call out the males when they don't have there work completed. He uses examples. How do you feel about Eric? I am scared to death of him. Why are you scared of him? Because he is going to fire me because I can not do my job. I don't even want to come to work anymore. Do you know about any of the fund raiser that is going on to raise money? We have a raffle going on, the beach days (clothes that we can wear

Page 5 of 27

to work). Did you complete the AOS survey? Yes. Was there anyone back there watching you when you took the survey. No.

## Joan Corvelle-

Tracey explained to Joan why we were in the store. Tracey then asked Joan if she was comfortable speaking to us. Yes. Tracey then told Joan that what we were going to talk about was confidential and asked her not to speak to anyone about what we were going to talk about. How do you feel about Max? I am comfortable with Max. How are the department manager meetings? They are good. Do you feel like the meeting are intimidated or threaten? Well like of encouragement. Do you feel like Max has changed? How do you feel about Eric? I feel good. I got a chance to meet Eric and I talked to him the other week.

## Erika Armstrong-

Tracey explained to Ericka why we were in the store. Tracey then asked Ericka if she was comfortable talking to us. Yes. Tracey then told Ericka that what we were going to talk to her about was confidential and asked her not to speak to anyone about what was going to talk to her about. How do you feel about Max? He has not ever given me any problems. I don't get to attend the meetings that often because I am normally here by myself. I hear from the others that he just ride them all of the time. He just brings them down. Do you feel that Max is powerfully? Because he has been here for so long. I thought that managers only stayed a short period of time and then moved on. Why do you think associates are afraid of reaching out to us? I think they are afraid of losing there jobs. Do you feel that women here are held do a higher stander then men? Yes. He pushes the women a lot harder. I think that's why we can't keep any female managers around her. He pushes them harder than he does the men. Do you feel like you have the same opportunities as other races in the building? Yes. Do you feel that Max is prejudice in any way? No.

## Clay Scarborugh

Tracey explained to Clay why we were in the store. Tracey then asked Clay if he was comfortable speaking to us. Yes. Tracey then told Clay that what we were going to talk to him about was confidential and asked him not to talk to anyone about what we were going to talk to him about. How do you feel about Max? He is ok. Do you attend the department managers meeting? They are depressing. It's pretty much if you don't get your job done we will find someone that will. It's kind of sad sometimes. How do you feel about Eric? Max tells us that Eric threatens our job. He make comments like when Eric goes in the store and see something that he does like, well I want tell you what happen but you get the point. Do you feel that Max is powerfully? Me no but there people that feels he is very powerful. Just the other day associates were back in receiving crying. Why do you feel that no one would speak out? I don't know. Did you take the AOS survey? Yes. Was there anyone back there when you took your survey? No, I did mine overnight. Do you get overtime? Only if I stay over on a Friday night to unload a truck. Usually they make us cut our time if they are over.

## Cheryl Mitchell

Tracey explained to Cheryl why we were in the store. Tracey then asked Cheryl if she was comfortable speaking to us today. Yes. Tracey then told Cheryl that what we were going to talk to him about were confidential and asked her not to speak to anyone else about what we were going to talk about. How do you feel about Max? Some days he is ok others he is like a warden. Do you attend the department manager meetings? Yes everyday. How are the meetings? They are not fun. He always brings us down. When you are meeting do you feel threaten. Yes, he will tell us if you don't get something done that you will not be a department manager anymore. It's like he is relaying messages down from someone. How do you feel about Eric? I have not really talked to him one on one. The way Max describes him is he kind of like the white glove wearing type person. How do you feel about morale? It is down. Why do you think it is down? We never get a thank you for doing your job. We do not have enough help. We all do the jobs of three and four people. Why don't you have any help? I guess they don't want to hire anyone. They will just pull the people that do have help out of there areas to work in other areas. Do you feel you get the same opportunities as everyone else in the store? Yes. Do you feel like Max is powerfully? Yes, I think he knows somebody. Do you feel that everything is going to be ok now with us conducting this investigation? Yes. Do you get overtime? No

# Marie Fagunes

Tracey explained to Marie why we were in the store. Tracey asked Marie if she was comfortable speaking to us today. Yes. Tracey then explained to Marie that what we were going to talk about would be confidential and asked her not to talk to anyone else about the matter. How do you feel about Max? He is a good man. How is the morale in the building? It is going down. Do you feel that Max is powerfully? Yes when he asks for something to be done he expects it to be done. Tell my about CMN fund raisers. There is a man named Art he used to have a restaurant on the beach. He comes in and does fund raises here at the store. Have you received any CMN donations from vendors? Yes we have received one. Who was it from? I do not know. The check came in on my two days off. We have one check pending right now. Who is that from? Coppertone is supposed to be sending a check for \$1000.00. How do you know they are sending a check? I have an email from some saying that the check had been approved. What does Art do when he comes into the store? Sometimes he just sits at a table up front and collects money. Does he turn in all of the money that is collected? I don't know I have a record of the days that he was here and the money that was turned in. I do not know how much he collects. When you saw the donation from the vendor were you surprised. No, we get them all the time. I was surprised when I say Art back in the store because we were told before that we could not do raffles anymore.

#### James Saunders

Tracey explained to James the reason that we were in the store. Tracey asked James if he was comfortable speaking to us. Yes. Tracey then explained to James that what we were going to talk to him about would be confidential and asked him not to speak to anyone else about the matter. How do you feel about Max? When I first got here he was more enjoyable talking to but he has changed. Do you attend department manager meeting? When I first came the meeting were enjoyable when you left the meeting you were happy to go back to work. The past few weeks has changed. He would say things like if this not done or that's not done you were going to lose your job. Do you feel threaten or intimidated in the meeting. When I would go home I would kind of think about if I would have a job the next day. How do you feel about Eric? Well Max would sometimes say if you don't get these systems down that somebody was going to lose there jobs. We all felt like when we saw him this morning that is going home today. Do you feel that women are held to a higher standard? Well being a man I do feel that sometimes it comes off harder to women. How do you feel about the morale in the store? For the past couple of weeks it has been down. Do you feel being an African American male you get the same opportunities as everyone else? Yes. Do you feel that Max is powerful? Well kind of. Do you get overtime? Not recently we have had to cut out hours.

#### Susie Mullen

Tracey explained to Susie the reason we were in the store. Tracey then asked Susie if she was comfortable speaking to us. Yes. Tracey then explained to Susie that what we were going to talk about was confidential and ask her not to speak to anyone else about the matter. How do you feel about Max? He has changed in the past few weeks. He seems like he got worse after his evaluation. Do you feel like Max has a lot of power? I do feel that some people are scared of him but me I am not. I feel that he is no different from me. If he is going to fire me he will have to have a reason. Do you attend the department manager meeting? Yes. Tell me about them. The last three we had this week were ok. But before that it was threaten. If we come in and I have five pallets and someone else had fifteen we had to go help that person. If we did not go help then we are told that we do not want our jobs. We asked about adding more people to night shift. He told us if they put up the wrong freight at night it would be our fault. Do you feel like the females are treated different from the males? We are on the bottom of the totem pole. Men are superior in the store. Did you take the AOS survey? Yes. Did anyone watch you do your survey? Well down there you don't have any privacy there. Do you feel that being an African American Female you are treated equal? No I had applied for a position and there was someone that it was not in there preferences and they were give the position. How do you feel about Eric? We heard that he was rough. He told us that he had been in the military for some years and he had a platoon and if he did not fit into his platoon you were out the door.

Teresa Chapel

Tracey explained to Teresa C. the reason we were in the store. Tracey then asked Teresa if she was comfortable speaking to us. Yes. Tracey then explained to Teresa that the information was confidential and asks her not to speak to anyone else about the matter. How do you feel about Max? Personally he is a great person. Is he hard? Yes. Is he powerfully? Yes. Why do you feel that way? It is because of the way that he talks to people. Why do you feel that people will not talk about things that he does. Because he makes it known that if you want you job that you will not say anything. Does Max make you cry? Does he make you made enough to cry? Yes he makes me mad. Do you attend the department managers meeting? Yes. How do they go? It's you don't do this you wont be here. If you don't complete this maybe you don't need to be a department manager. If you don't get your freight by 4:00 you might not need to be working here. In the department managers meetings what is said about Eric. Well he told us after the last time that Eric said there were nine department managers that needed to be fired right now. There are nine of you that don't need to be department managers. He wants to take nine of you out of his departments right now. He wants things done his way or you will get fired. How do you feel about the morale? I think it could be a lot better. I have seen it so much better. Did you take the AOS survey? Yes. Was there anyone there when you were taking your survey? No. Do you get overtime? Once in a while yes. I don't think its far when long term associates are being cut to 24 and 32 hours but one associate is working seven days a week 14 hours a day. Who is working those hours? Teresa S. Last Monday a bunch of us were called in to help work freight, and then we all had to punch out early. Do you feel that the female associates are held to a different standard than the males? Yes. I feel that he is harder on females. If it is a male it is ok but a female its not.

## Berry Mallory-

Tracey explained to Berry why we were in the store. Tracey then asked Berry if he was comfortable talking to us. Yes. Tracey then explained to Berry that what we were going to talk about was confidential information and asked him not to speak to anyone else about the matter. How do you feel about Max? He is ok. He has always treated me ok. Do you feel like he is powerful? He seems to be. The way he presents himself you would think that he is. Do you attend department manager meeting? Yes. How are they? They have been rough. We seem to get threaten a lot lately. No matter what we do it is not good enough anymore. How would you say the morale is in the store? It is now where it needs to be. How do you feel about Eric? I don't know him only what I have been told about him. We were told that everything has to be perfect. We were told about all the places that he has been in where things were not right and the department managers had to go. When you saw us up front this morning what did you think? I was scared. Did you take the AOS survey? Yes. Was anyone standing there or watching you take the survey? No. Do you get overtime? Sometimes, if they need help unloading the truck they might ask me to stay. Why do you think everyone is afraid to speak up? We do not want to lose our jobs. Do you feel like female are treated differently in the store. Yes. He seems to treat them worse than men. He is especially on female assistants. He really has it out for them.

Tonya Chapman

Tracey explained to Tonya the reason we were in the store. Tracey then asked Tonya if she was comfortable speaking to us. Yes. Tracey then explained to Tonya that what we were going to talk about in the meeting was confidential and asked her not to speak to anyone else about the matter. How do you feel about Max? That's a touchy subject. When I first came to the store I was like wow I like the way the store is being ran. But now it's always your not good enough, you're a loser, if you don't get something done that you are going to be fired. I don't want to come to work. I can not sleep at night. I'm scared to even come to work. It's always what Eric said. If you don't have your bins right you are going to get in trouble. If you don't do this you will get in trouble. Do you feel threaten? Yes. Do you feel intimated? Yes. Do you feel that females are treated differently? Yes, the managers any way. It seems like he puts more on them that the males. Did you take the AOS survey? Yes. Did you feel threaten when you took the survey? No. Do you get overtime? I have in the pass. The first two Saturdays when I came back to work I did. When are asked to come in sometimes but we have to lose those hours.

## Eric Appleton

Tracey explained to Eric why we were in the store. Tracey then asked Eric if he was comfortable speaking to us. Yes. Tracey then explained to Eric that was we were going to talk about was confidential and asked him not to speak to anyone else about this matter. How do you feel about Max? He is ok. I just got back from the remodel in Ahoskie and the manager there is totally different from Max. I really liked being there. Do you attend the department managers meeting? Yes. How do you feel about them? I am thinking about skipping the next one. They are just so stressful. Why do you want to skip them? Because when I leave there we are not in a good mood. Are you being threaten in the meetings? Yes, I feel like I am. He uses Eric as a cover. He would say things like if you have not scanned your outs you would lose your job. Do you think Eric is powerful? Yes. Not only at the store in the community. Example I got a ticket a little while ago and he just made a call and got the ticket erased. Are you intimated by him? Yes. Do you feel that females are held to a different standard than the males? Yes with the managers. I have seen him make the female assistants cry. Did you take the AOS survey? Did you feel intimated? No. Do you get overtime? Yes I am one of the ones that get overtime. They ask me to go over night one weekend a month and I get to keep my overtime.

#### Sharron Flowers

Tracey explained to Sharron why we were in the store. Tracey then asked Sharron if she was comfortable speaking to us. Yes. Tracey then explained to Sharron that what we were going to talk about was confidential and asked her not to speak to anyone else about the matter. How do you feel about Max? He is ok. He does not bother me. As long as I get the things done that I need to get done he does not bother me. Do you attend the department managers meeting? No. Do you feel that Max is powerful? No. Do you feel

that he has favorites? No I really don't. I think he pushes the department managers that struggles. How do you feel about the morale of the store? Some department managers have to be pushed to do things and those are the ones that seem to be one with low morale. Have you heard anything about Eric? Do you get overtime? Sometimes I do.

## Beverly Thurston

Tracey explained to Beverly why we were in the store. Tracey then asked Beverly if she was comfortable speaking to us. Yes. Tracey then explained to Beverly that what we were going to talk about was confidential and asked her not to speak to anyone about the matter. How do you feel about Max? I like Max but sometimes I don't like some of the things he does. He tells us that we can not have set days off but certain ones have days off and we have to get what is left. He just seems to have favorites. Some times I have to work seven and eight days straight without a day off. How do you get along with the other CSM'S up there? We get along good. Do you get any overtime. No. If they ask me to I will work but I don't ask for any? How do you feel about the morale in the store right now? I think it is bad. I think it's because we are so short staffed. Do you feel that Max holds women to a different standard than others? Max is perfection. He likes things done a certain way. Did you take the AOS survey? Yes. Did you feel intimated when you did your survey? No.

## Pat Wiley

Tracey explained to Pat why we were in the store. Tracey then asked Pat if she was comfortable speaking to us. Yes. Tracey then explained to Pat that what we were going to talk about was confidential and asked her not to speak to anyone else about the matter. How do you feel about Max? I think he is a good person. He does have some ways about him. Do you think that Max is powerful? I think that he has his ways of getting rid of people when he wants to. Why do you feel that way? He can be pretty rough on them. He will have the assistant managers come in on there days off. Does he hold females to a different standard? I think he pushes them harder. Do you attend the department manager meeting? Yes I do. Tell me about them. They are very intense sometimes. He pushes and asks a lot but we don't have enough people. He tells us that he can't hire but now he is hiring the students full time and cutting other people hours. There are others that are getting overtime. What have you heard about Eric? I have only met him one time. I think he is fair and consistent. Do you get over time? No and I don't want it. Did you take the AOS survey? Yes. Did you feel intimated when you did the survey. Yes because we were told that if the survey did not come back good we would lose our jobs. Who told you that? Management and even Teresa tell us that.

## Cheryl Herns

Tracey explained to Cheryl why we were in the store. Tracey then asked Cheryl if she was comfortable speaking to us. Yes. Tracey then explained to Cheryl that what we were going to talk to here about was confidential and asked her not to speak to any one about the matter. How do you feel about Max? I think Max is a fine man but he is under a lot of pressure. I think that he needs some help with his micro manager skills. Do you

attend department manager meeting? Yes. We talk about outs, sales, and the tiger team. He kind picks on one or two people instead of the entire team. Do you feel threaten or intimated. No. Do you think Max is powerful? I think Max thinks that he is powerful. How do you feel morale is in the store? It is down. Why do you think it is that way? I think it is because of all of the changes that took place. Do you get overtime? Not if I can help it. Does Max have favorites? I don't think so. I think there are people that have been here longer than other and he trust them more. Did you take the AOS survey? Yes. Did you feel intimated? No. Do you feel that Max hold females to a high standard than he does males? Yes I think he holds women to a higher standard. I don't think people speak out because they are afraid.

#### Ann McPherson

Tracey explained to Ann the reason that we are in the store. Tracey then asked Ann if she was comfortable speaking to us. Yes. Tracey then explained to Ann that the information that we were going to talk about was confidential and asked her not to speak to anyone about the matter. How do you feel about Max? I think he is good. I like him. He gives good direction and has good expectations. Do you feel that Max is powerful? Yes like a store manager should be. Do you attend department managers meetings? Yes. How are they? They are good. We get sales and directions. Do you feel threaten in the meetings. No. He will say if you don't get things accomplished you may not be a department manager any more. Not that you will be out the door. Have you meet Eric the Market Manager? Yes I meet him once. We were told that he has high standards and we have to move along with the standards. Do you get overtime? Yes. Have you got any lately? Yes, I got a couple of hours a few weeks ago. Do you think Max has favorites? No. I think he has people that he can depend on and he will ask them to do things because we will get them done. Do you feel that Max have higher standards for females than he does males? No. Do you feel that he has a different standard for the female managers than the males? Yes sometimes. I don't know if he is trying to grow them.

## Wynne Dough

Tracey explained to Wynne the reason that we were in the store. Tracey then asked Wynne if he was comfortable speaking to us. Yes. Tracey then explained to Wynne that the information that we were going to talk about was confidential and asked him not to speak to anyone else about the matter. How do you feel about Max? He can be very personable. He works hard. Do you feel that Max is powerful? Yes, this is an at-will state and he can fire without cause. That might not be the Wal-Mart way but I do think he has the power. Do you attend the department managers meeting? Yes. How do you feel about them? They are long and discouraging. There is lot of concern about job security; Termination comes up a lot in the store. There are threats all the time. How is the morale in the store? When things are going good, morale is good but when things get bad morale gets bad. I know that you have done pictures in the store. Did you do this picture? No. I do not know who did this picture. Do you get overtime? I try not to. We went from having all of the overtime that you wanted to no overtime. Did you take the

AOS survey? Yes. Did you feel intimated? No. Do you feel that females are held to a different standard than the males? I have not observed any that I know about.

#### Tracie Helton-

Tracey explained to Tracie the reason that we were in the store. Tracey then asked Tracie if she was comfortable speaking to us. Yes. Tracey then explained to Tracie that what were going to talk about is confidential and asked her not to speak to anyone else about the matter. How do you feel about Max? I think he is knowledgeable person but I have seen some favorites. We are not supposed to get any overtime, but there is one associate that gets overtime. Who is that associate. Teresa S. How many hours of over times does she get? She works about fifty hours a week sometimes more than that. What does she do with the hours? She is in the manager's office or in her office. Sometimes she runs errands with Max. Do Teresa and Max go to lunch together? They do eat together in Subway. Sometimes Teresa will leave for lunch and then Max will leave for lunch and a few minuets later Sammy will get a phone call and he will say he has to go meet them for lunch. I am not sure if they are all together. Does Teresa sit in on conference calls? Yes. We all sit in all conference calls. What if they ask if there is only supposed to be salary members of management? One time I think she left and one time she didn't last week they had to go to a disposition and it got canceled. Sammy and Debbie can back to the store but Max and Teresa were going away for about an hour and a half. When she got back she told me that she was out running errands with Max. She came to me and asked me to adjust her time for lunch. I told her no I can not do that, I then got called away. Where did Teresa go after that? I do not know. Do you know if her time got adjusted? Yes I think it did. Do you know if Teresa types assistant manager's evaluations? I do not know. Do you know if Teresa answers Max's email? Yes. Whether he is here or not she will respond to his email. Do you feel that Teresa is perceived to be your boss? Yes. Max will call and talk to her instead of Sammy or me. Later Teresa will say oh yeah Max called and he wanted me to tell you all this. Do you sit in on department manager meetings? Yes. How does the meeting go? They start out upbeat and then they go down. He tells them that the market team is coming to take there jobs away. Do you feel that department managers are threatened? Yes. He tells them if things are not done Eric is going to come in and take you out of your jobs. Do you feel that Max is a powerful man. Yes I do. Why is that? Because he has been with Wal-Mart for a long time and he is a County commissioner. He control over the police. Are your threatened or intimated by Max? At times I do feel that I am overwhelmed. He made the comment to us that around the Raleigh area and just point out assistants and made them hourly associates. I would hate for that to happen to you or Clay. Yesterday Sammy had an evaluation that was going to be late. He has already had one that was late. I called Sammy at home and asked him what he wanted me to do. He told me to call the associate at home and cover it with them over the telephone. I told Sammy that we could not do that. I then told Debbie to inform Max about the evaluation and ask him what he wanted us to do. When I came back into the office Debbie told me that Max told her to key the evaluation into the system and cover it with the associate on tomorrow. I told her that I would not do that. That is wrong. They called Sammy back and he came to store to cover the evaluation. It took the associate a while to get her and Sammy had to leave so I covered

the evaluation with the associate. Do you know a man named Art? Yes. Tell me about Art. I met Art a couple of weeks ago, he came in and set up a table and was selling raffle ticket for a shopping spree. He dresses in dress code but to the best of my knowledge he is not and associate. I can not find him in the smart system anywhere. Do you know how Art gets to the store? He calls and someone will go and pick him up. Do you know who picks him up? I think Max picked him up once and Teresa did another time. Do you know anything about vendor donations? Yes. We were sitting in the office the other day and Max made the comment that he had made the Pepsi vendor give him \$500.00. When he saw the express on my face he said let me change that. He made a donation, I had to go and lock the door in receiving the other day and I had to use the telephone. I saw a stack of papers saying that Wal-Mart has to raise a certain amount of money and would like a donation. It was in an area where only associates and vendors would be. I do feel that he tries to play the assistants against each others. He will tell us to give the other assistants notes. I told them that we are equal, I can give those notes. Max is always out of the building. It is a meeting for county or he has something else to do. Do you feel that he hold the female assistants to a different level? Yes. The nights that Clay works Max don't say anything but night when Debbie works there is more said. When we are in the building he will call the female assistant to do things but will not call Sammy. I am sure that I will have nightmares for the next year because I did not key in that evaluation. I was in the office and Teresa S. called Debbie and jumped all of her case about this matter.

## Clay Sawn-

Tracey introduced us and asked Clay if he was ok talking to us. Yes. Tracey explained to Clay the reason we were here and explained to him that the conversation was confidential and asked him not to share information with anyone. How has it been working here? Not to bad. If the store is not the way Max wants it in the morning he kind has a different attitude. Do you feel that Max treats women different than he treats men? Yes. Why do you feel this way? Debbie tells me how he jumps down her throat about things but he has never done that to me. When you raised money for CMN do you know about any vendors giving donations? Not really I am not here doing the day. Have you ever seen Art up front collecting money for CMN? There was a gentleman up there a few weeks ago but I'm not sure what his name was. Tell me about Teresa S. I know that she is Max's right hand. As far as what she does I don't know because I am over night. Did you ever see the hand outs that were given out in DSD. No. Is there anything else you would like to tell us? Well sometimes I think that he gets carried away with the comments that he makes. It makes you feel guilty and not want to leave. Did he ask you to say over today? No I volunteered to stay because I did not want to leave the back room in the condition that it was in. What do you think is the cause of the back room to be the way that it is? The staff is not sufficient. How is the morale in the store? It has gone down. I think mostly because of the staffing. We are losing customers because there are not associates to help. We don't have enough associates to just do stocking. Associates are getting upset because we ask them to work over and then at the end of the week we ask them to cut there hours.

Page 14 of 27

## Shirley Crank

Tracey introduced us to Shirley and explained to her the reason we were here. Are you comfortable speaking to us today. Yes. What we are going to talk about is confidential and we are going to ask you not to share information with anyone. Have you every seen this form before. Were you asked to pass it out to vendors? Yes. Who gave you the forms? Max I believe. What did he say when he gave you the forms. He told us that we were trying to raise money for CMN and told me to see if any of the vendors were willing to help us out. I only passed out a couple of the forms. Do you know which vendors you gave them to? I think I gave one to Frito Lay. Did he agree to contribute? Oh yes right away. He said they are always willing to help CMN. Mostly I joked with them and asked them verbally. Did any of the others agree to contribute? Robert agreed to contribute. He works for Coors. He gave a \$10.00 donation in cash. Did the Frito Lay vendor give you the form back? Yes he did. I brought it to office and laid it on the desk. He agreed and said they would give \$500.00. Do you know how long you passed out the forms to the vendors? I only passed them out for one day. I only gave them to two Vendors.

#### Anita Elmer

Tracey introduced us to Anita. Tracey then explained to Anita the reason that we were at the store. Tracey then explained to Anita that the conversation that we were about to have was confidential and asked her not to share any information with anyone. Tracey then asked Anita if she was ok speaking to us. Yes. Do you remember receiving a check for CMN? Yes, it was for \$500.00. Do you remember who it came from? Teresa gave it to me and told me to key it into CMN as a donation. Do you remember who the check was from? I think it was from John but I am not sure about the name. Have you received any other donations? Not lately but in the past there was another \$500.00 check about a year ago. I do not remember who it came from. What can you tell me about Art? I know he comes and sits up front and collects money. I know he owns or use to own a restaurant, but that's all I know about him.

# Teresa Shanefelter- 7/22/09

Tracey explained to Teresa the reason that we had returned back to the store to speak to her again. Tracey then asked Teresa if she was comfortable speaking with us. Yes, I don't have a problem with anything. I asked you a question about the vendor's donations when we were here, and you told us that you did not know. I want to ask you the same question again. Do you know anything about vendors making donations? Yes I know that George Marshal wanted to make a donation to the store. He told us that he wanted to make a donation to the store because he had a daughter that had spent some time in the children's hospital with a brain tumor. He wanted to make the donation at the register but he did not have his check book with him. He asked us it he could send the check to us and we said sure. He wanted to make a \$500.00 dollar donation. Knowing that the incubator up front had been broken into a few times we decided to put the money into the account in accounting. At any time did you and Max have a conversation about getting donations from vendors? Yes we did talk about that. Did Max tell you or any member of

management to make a form to solicit from vendors? Yes there was a form made. I believe that Max asked me to type up the form. Did you type up the form? Yes, Can you tell me about the conversation around the forms? It was just that all of the stores had to raise this money for CMN and it was a large amount. We felt that there was pressure from everyone about getting this money raised. We just had to come up with a way to raise the money. Max asked you to make the form and what direction was give to you to do with the forms. It was to be taken to direct to talk to the vendors. Do you remember how long the forms were in receiving? I do not remember how many days. How many vendors actually donated? George Marshal is the only one that I know gave a donation. Have you seen the form that Frito Lay signed? Yes. Do you know if they made a donation? I do not know. Who gave the form to you from Frito Lay? I don't know who brought it to the office. It was left in my office on my desk. At any time were you or any member of management informed to call vendors and ask them for donations. Did you ever call any vendors and ask them for donations. No. Do you know anything about the email that was sent from copper tone? I guess she was asked by the associates in directs but I do not know. Have you ever seen this email before? No. Did you personally have any conversations with vendors about donations? I may have mentioned it to them that we were having a rally to raise money but I did not ask any of them for donations. I may have told them that they could make donations at the registers. When you had the conversation about the vendors do you remember what members of management were in the meeting. No I don't remember who was here that day. Was Frito Lay the only one that turned in a comment form? It is the only one that I know about. I don't even know how that one got on my desk. I want to ask you about Art Glidden. He is a local man here that has done a lot of charity fund raisers here. He has his own charity that he works with the local fire department and social services. He has come to the store and done some fund raisers for us. He's just a lonely man that loves raising money for charity. He does it on a voluntary basis. Do we provide transportation for him to come to the store to do fund raisers? Yes I know a couple of times we have gone to pick him up to bring him to store to do fund raisers. We don't go and pick him up every time. Who would go and pick him up. I don't know if a member of management or an hourly would go and pick him up. I have never gone to pick him up. Do you know if the associates would get paid when they would go and pick him up? I do not know because I do not know who would go and get him. How many years have Art done voluntary work here at the store for fund raisers. About eight or nine years I guess. How many hours does he normally be in the store working for the fund raiser? He would come between 8:30 AM and 10:00 and would leave by 2:00 PM. He refused to stay eight hours a day. He wanted to get back to help close his restaurant down in the evening. How many days was he here the last time. I think it was about 15 days or so. Were you here the day the drawing was done for the shopping spree? No it was done on a Sunday and I normally don't work Sunday's. Do you know of any conversation that took place between Art and Max about him keeping apart of the money for his Joy Fund? No. Max would always tell him that he wanted to see the number of tickets that he sold and match it to the money. Max knew that might be an opportunity so that's why he would have him show the tickets and the money that was being sold and collected. Has the store ever made a donation to Art's Joy fund charity? We have through the Fire Department because they have a 501C3 number. How often have we made donations do them? Three or four times, the qualified because

Page 16 of 27

they had the 501C3. How much would they normally get? \$1000.00 I think. Also back when we could do the shopping for charity we would us the money to make that donation to the Joy Fund Organization. Those checks sometimes may have been more because they were based off the stores sales. Do you remember the couple that child had died and the store was raising money to help them with the expenses? No I don't remember that. Does the Joy Fund have a 501C3 number? No, that is why the donations were made to Colington Volunteer Fire Department. That is where Art does more volunteer work for. The money is asked for in reference to the Joy Fund so we make the donation to the Fire Department and I think they give it to Art for the Joy Fund. Do you have any of the grant paper work that was submitted to the store for the grants? Probably not, when Neil was here he wanted some drawer space and he cleaned out my drawer and threw all of my papers away. He was so up set when I told him what he had done he went out and bought me a box of candy. I told him I did not want the candy, I wanted my papers back. Is the Joy Fund something that was made up by Art? No I think that is was something that he and the Fire Department start to help families to have Christmas for families that were in need. Do you know how the winner of the shopping spree was? No I do not. I just want to recap with you about the vendor donations. You said it all started here in the office with Max and the assistant correct. Yes we had a conversation. Max gave me instructions to make the form so we could speak to vendors about helping us with our fund raiser.

Rita Butler 7/24/09

Tracey introduced us and asked Rita if she was comfortable speaking to us. Yes I am comfortable. Do you know Art Glidden? Yes. Have you ever had to travel to pick him up to bring him to the store? Yes. Who asked you to go and get him? Max once and Teresa S did one time. How far does he live from here? About a mile and an half from here but I pick him up from Art's Place. How far is that from here? About the same no more than two miles. Were you on the clock? Yes. Did you get paid for mileage? No. Did you take him back when he was done? No I did not take him back time. What did Art do while he was here? A raffle up front. Do you know of anyone else that has picked him up. What time would you pick him up? About 8:00 AM or 8:30 AM. Would he normally be here when you left? One day he was but the others I do not know.

Sammy Marriner 7/1/09

Tracey introduced us and asked Sammy if he was ok talking to us. Yes. Tracey then explained to Sammy the reason we were here and explained to him that the conversation was confidential and asked him not to share information to anyone. Tell me about Art. I have known Art every since I have been working here. How long has that been? I have been here since 1996. He has his own function called the Joy Fund that collects money for children throughout the state. When he comes here what does he do? He just sits up front and collects money. I told him when I saw him the last time that he could not be in here. He just told me to go get his table and he would take care of everything else. I guess if you are asking did Max approve for him to be up there. Yes because he saw him up there. Do you know if we have asked any vendors for donations? I do not know. I know that we can not accepted donations from vendors. I would like to ask you all a question. If a vendor comes in and say I would like to make a check out to CMN and drop it in the incubator can they do that? We will give you the answer to that question after the investigation has been completed. Did you know anything about the flyers that were being handed out in DSD? No I do not know about anything about a flyer. Have you ever seen this flyer before? No I have not. The \$500.00 shopping spree that you all did do you know who did the drawing for the winner? I do not know but I think it was Art. All I know I saw them bring the ticket to the back. I think who every won wanted to donated the money back to the hospital. I do know the persons name I just know of them. Do you feel that Max treats the male better than he treats the females in the building? I don't think so. I think he treats everybody about the same. What about the assistant managers. He can be pretty bad on both. He has been hard on me but he has never mistreated me. Does Teresa sit in on conference calls? Yes she has. What about currently? Not that I know. What does Teresa do? She pays the bills. She has a lot of knowledge about Wal-Mart. Does she go to lunch with Max? In the past she has been in Subway and Max may have set with her. Has Max every gone to lunch with her out of the building. No not that I know about. Have you, Max and Teresa gone to lunch. We have once a while ago. How long has it been? It has been about three or four months I think. Max, Tercsa and I have had lunch with us several times up at Subway. Has Max had lunch with other associates as much as he had with Teresa? No other associate other than Elmer. Max would take Elmer to lunch from time to time. He has taking Elmer to lunch more than anyone else in the store. Do you know of any vendors that has donated any money. The only one that I have heard mentions anything about making a donation is Charles. He is the person that we order our boogie boards from. I don't know if he did make donations. How do you feel about the morale in the store? I have seen it better. Do you remember this picture? Yes. I remember seeing the picture. I know that Max was joking with Tonja about the picture because she was sick a lot. He would tell her that she needed to eat right. The first time I saw the picture we were having a manager meeting up front and Max pulled the picture out and showed it to the management team. It was only the management team at the meeting that day.

egnen- Love puchingher Til

	01/ 1 1 200 (= 120/20).
9	Kim Hard 2000 (3/29/09)
	" Afraid - confidential Wery powerful
•	- Minerto + Statement (telle to lawara)
	- Ponya queto ble of max
	- according - carling on houstes to tell the
	a set how do there is
	(Barcaotic) on racio
	Customer hears the
	- Ponya paray men- mad not hoppy
	Agent - had wilker -
	Tonga is litting Dendows Laking con
	unpeatisouralism.
	In perfession alism.  - Actual made of her- he took one of stands  sometime write on it - she is always read  b/c. she doesn't cont most showed Tensor.  Max redes her b/c shis refeterment legetaria
	sometime write on it - she is always seed
	ble she doesn't cont meat showed Tenser
	May rides her bolo shes undetermani legetaria
	- Mad to take office Accord poper week-
	to the ones floor to lookun
	Teresa: ux - right land: too his sign on
	- Looks @ nio encel-
	- Asst my does !
	- worts un commission enfo-
	- always sets overly
	$R_{10}$
	acceptance - Las Keins to operation of stree
	- Pinding Ham to Learn (Dephie Beauto)
	- Rethie Booser is in Pra- Can't take it
	drugmon-talking about quelling
	- Dane new a) Thuse 5, + Debbe G
	- Dane new a) luse s, text page
	- · · · · · · · · · · · · · · · · · · ·

8 curs to eat lunch wit Porgá
- Tune cont call taking rates
- Mind conf call taking notes
-Disabelity (Jonaller Bryant)
- Tonya takes brother to Minial Okalik App Johnsellen came in January 4 prop : Max - Were holding Dale swen
Shaley Indeed- Shaley Crant- gomens passcale-downt weksaled Grassicosts - have someone in past
Luones mappose to be an justing.
Dave Chy Conversioner (Conflict of Artered)
Done Harris - wanto to Call to
I am affaird What Winona During-

- Paking out of positioned - Period Ene - (Mad) one asst was find I pollet on flow) Constant complaints heats-continouslys-

•	
7	eresa Stampelke
_	Pando Mari emailo.
O.	is had send cultidas time they
6	9 Duresa receiver 23 has(of)
_	
	1 / -
ſ.	Jacqueleri Anaulle- 2000
	tme ot by
L	Working ON - Asst mer + assoc-
	Carral conversation -
-	- call asst my & threatened her.
_	call Max- what do withink I should do
-	about d-
-	Den door closed-
4	Do House dont - summer modular Let
	De Howare dept- symme modular fet
Т	Ast Times-conjular mod-not completed
-	
-	- if Eve auto in Stat's youngel -
-	of Euc authoris Vlat's your for - if the mod not done Euce
100	dones teem her.
F.	Mad didn't speak to her all week-
_	Going to other dept may gury money
1	de then for her-
_	as andolences for her brother in law
	(10 to beach)
-,	Der wont we Dow 1837 all on Walker
1	Tell about the DM /Ass) gla on Walter
_	lonja
32	

hend o	G- LONG
0	Here had an asot had roles, with less
12	· P
	U know what These
	to much responsability
- How	much he spect on DC commission?
- 1.	04 (Lea h. 00)
- 2	ndu uspable (cued mway home)
(au	paperunt fudged)
(Shu	lay Clark - DOD on Soluday)
,00	tone (DC Commissioner)
(, 74	Some (DC Commissioner) reality, Frontend)
	out to huch sphee -
- 000	Dust to march of the -
AL TONE	· Onlead Perent total
A John	e conjucall. Peresa tutas notes uk of 14-20th
	0
// II	
*****	
-	

	(e)11/59
Liane	Marin -
	Collected money for famely who buly die
	Oct Glidden - collect moneis unside stine
	was to receive truly of proceed for his
	business that but I too down Repres
The last	Just for balon jamely large donation Wiene + kim/charcie houris (in Va)-
	+ kim/charcie houris (in Va)-
	Old tello Diane he is received half-
	Diane with was accedents where in Kins
	Charlie Marris and told by mort about 1/2 - matching finds from warmant . Sammy
	Matching finds from warmant . sommy
- aut	Auchen- (wanted a name tag) - ask for name
lax	to Peramel a unfront of Kern. uppoint
cour	ectry money
<u>-900</u>	dollar shapping oper Kniffle in vendors for donations- coppertunt sending crease, and received off
- Calle	in vendors for donations-
	- Coppertunt Sending Checks, and received off
· leles -	(401 paying rent) / vertoe (teles)
-0 :0	
- Shillian	in leprisiblely - Hats why some andown
110	1 0 001
"IN Oper	Maries Nature Richardson - Unester has to Cose has
	With- Terry.
Javon	(lin
The	asa shanalait
124	esa Shanefelta
IN 111.	ulen are due
AAL. YN	and will the
Samous	Drong Helps
0	0'

Tolks ugu to DN/48M
(New Rew blood) (Tonya, Wunone, Richard)  Tonya, Wunone, Richard)  Tonya, Wunone, Richard)
Tonya, Winone, Kichana,
- Diane typing for county business-
- Diane typin for county business- - hot of murchandial used to Stock addage (business released)
3 Blacks about Promoture
Blacks
- Eat lines 2 golfes
- Cat lunch 2 colles
- Community Proups Duesa has the assistant.
- duald toll to
- (Busy doing ot)
- avaced Deresa- (OP)
Bid Dat :
- Military aurice - disneportful
Out 18 Want
- John rice (Hunder Duste) - (Peresa) Hoppen this
\$1000 - copputors, was